

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA

NATASHA MILLER,

Plaintiff,

V.

CONSERVATION INTERNATIONAL FOUNDATION,

et al.,

Defendants.

Civil Action No. 1:12cv1209

JOINT PROPOSED DISCOVERY PLAN

The parties hereby submit, pursuant to Fed. R. Civ. P. 26(f)(3) (and the Court's order of February 19, 2013), their “written report” of their proposed discovery plan. The six subsections of the rule are set out below, and the parties’ “views and proposals” are stated thereafter:

A. Initial disclosures

Under Rule 26(f)(2)(A), the parties are to report:

what changes should be made in the timing, form, or requirement for disclosures under Rule 26(a), including a statement as to when disclosures under Rule 26(a)(1) were made or will be made

Plaintiff recommends no changes in the disclosure requirements of Rule 26(a), under which the disclosures must be made by March 13, 2013 (that is, within 14 days of the Rule 26(f) conference held on February 27, 2013).

Defendant recommends that the disclosure requirements of Rule 26(a) be changed so that initial disclosures must be made by April 19, 2013.

B. Discovery needs

Under Rule 26(f)(2)(B), the parties are to report:

the subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused upon particular issues

The subjects for discovery are the claims stated in Plaintiff's First Amended Complaint filed February 25, 2013, and the defenses to be pleaded in Defendants' Answer to that First Amended Complaint which will be filed by March 28, 2013. Under the Court's Order of February 19, 2013, discovery in this case is to be completed by Friday, July 12, 2013. The parties do not propose that discovery be otherwise limited or conducted in phases. However, because the Filing of the First Amended Complaint added new causes of action to this matter, the parties propose that the conclusion of discovery be delayed until October 12, 2013.

C. Electronically stored information

Under Rule 26(f)(3)(C), the parties are to report:

any issues about disclosure or discovery of electronically stored information, including the form or forms in which it should be produced.

The parties are not aware at this time of any issues concerning disclosure or discovery of electronically stored information. The parties will agree in advance regarding the format for production of electronically store information.

D. Claims of privilege

Under Rule 26(f)(3)(D), the parties are to report:

any issues about claims of privilege or of protection as trial-preparation materials, including—if the parties agree on a procedure to assert these claims after production—whether to ask the court to include their agreement in an order.

Though the parties anticipate that they may need to assert the attorney-client privilege and/or the work product doctrine with respect to certain documents, the parties are not now aware of any related issues which need to be included in an Order from the Court.

E. Discovery limitations

Under Rule 26(f)(3)(E), the parties are to report:

what changes should be made in the limitations on discovery imposed under these rules or by local rule, and what other limitations should be imposed.

The parties recommend no discovery limitations in addition to those imposed by the Court's Order of February 19, 2013 (five non-party, non-expert depositions, and thirty interrogatories).

F. Other orders

Under Rule 26(f)(3)(F), the parties are to report:

any other orders that should be entered by the court under Rule 26(c) or under Rule 16(b) and (c).

The parties agree that the Court should enter the proposed Order submitted herewith under Rule 16 changing the close of discovery to October 8, 2013, and changing the date of the Final Pretrial Conference to October 15, 2013. The parties agree that the Court should enter no other orders under Rule 26(c) or under Rule 16(b) and (c).

Respectfully submitted,

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CONSENT ORDER

In consideration of the Joint Proposed Discovery Plan of the parties, it is hereby ORDERED, pursuant to Rule 16(b):

The date that discovery is to be completed is moved from July 12, 2013, to October 8, 2013. The Final Pretrial Conference is moved from July 18, 2013, to October 15, 2013.
